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APPLICATION NO.). FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,303	05/01/2001		Yasushi Shimizu	N9450.0014/P014	3011
24998	7590	10/05/2004		EXA	MINER
DICKSTE		IRO MORIN & OS	CHOI, LING SIU		
WASHINGTON, DC 20037-1526				ART UNIT	PAPER NUMBER
•				1713	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/845,303	SHIMIZU ET AL.				
Office Action Summary	Examiner	Art Unit				
	Ling-Siu Choi	1713				
The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address				
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 28 Ju	ne 2001.					
<u> </u>	action is non-final.					
3) Since this application is in condition for allowan	ce except for formal matters, pro	secution as to the merits is				
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.				
Disposition of Claims						
4)☐ Claim(s) <u>1-6</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw	n from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) <u>1-6</u> is/are rejected.						
7) Claim(s) is/are objected to.	-1					
8) Claim(s) are subject to restriction and/or	election requirement.	,				
Application Papers						
9)☐ The specification is objected to by the Examiner	•					
10) \boxtimes The drawing(s) filed on <u>01 May 2001</u> is/are: a) \boxtimes accepted or b) \square objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents have been received.						
 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage 						
application from the International Bureau		o in this National Stage				
* See the attached detailed Office action for a list of		d.				
•	,					
Attachment(s)	_					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4)					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 05/01/2001.		atent Application (PTO-152)				

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-6 are rejected under 35 U.S.C. 35 U.S.C. 102(b) as being anticipated by Mathies et al. (US 5,274,240).

The present invention relates to a capillary array comprising

a plurality of capillaries	a polymer protective film are on the capillary surface;	
	one ends are bundled and other ends are spread	
a light detection portion	the capillaries are juxtaposed each other and	
	aligned substantially on a plane;	
	the polymer protective films therein are removed	
a head	holds the spread capillaries integrally;	
	an electrode which is build-in in the head, electrically	
	connected to the head, and is immersed in a sample	
,	solution	
another electrode	provided at the bundled capillaries	

(summary of claim 1)

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Mathies et al. disclose a laser-excited capillary array comprising a plaurality of side-by-side capillary passages disposed in a plane of a detection area, a source of radiant energy, an objective lens for receiving and focusing the radiant energy at an excitation volume in the plane of the plaurality of side-by-side capillary passages, means for moving the plaurality of side-by-side capillary passages, a detection system, and computer means for receiving and processing the signal from the plaurality of side-by-side capillary passages, wherein the plaurality of capillaries may be separated for individual manipulation and loading and the detection window is prepared by burning off the polyimide coating of the capillary in the detection area (col. 5, lines 15-25; col. 6, lines 9-14; claim 1; Fig. 1). Thus, the present claims are anticipated by the disclosure of Mathies et al..

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098. The examiner can normally be reached on Monday to Friday.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LING-SUI CHOI
PRIMARY EXAMINER

Ling -Siu Choi, Ph.D.

September 27, 2004